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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,623	03/15/2004	Alex Hornig	HORN3176/EM	8406
23364	7590	07/23/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			ELKASSABGI, HEBA	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,623

Applicant(s)

HORNG ET AL.

Examiner

Heba Elkassabgi

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Am

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 is/are rejected.
- 7) ☒ Claim(s) 2-6, 11-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/15/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in China on 02/20/2004. It is noted, however, that applicant has not filed a certified copy of the Chinese applicant #93104239 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 03/15/2004, is being considered by the examiner. Accordingly, the information disclosure statement is in compliance with the provisions of 37 CFR 1.97.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character not mentioned in the description:

In figure #1 the reference character of number #102.

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In figure #4 the reference character of number #5.

In figure #7 the reference character of number #33.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "15" has been used to designate both the mounting portions and through-hole (see specification).

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "15" and "152" have both been used to designate through hole (see figure #14).

Corrected drawing sheets, or amendment to the specification to add the reference character in the description, are required in reply to the Office action. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US Patent 5288203).

Thomas discloses in figures 1,7, and 10 a casing (fan frame member body 25) for a heat-dissipating fan having an annular wall including an air inlet (44) in a first end and an air outlet (46) in a second end. A base (24) securely mounted in the air inlet (44) of the base (24); a plurality of ribs (26) each extending between the annular wall (25) and the base (24). A plurality of mounting portions (36A-D, 40A-D, 42A-D) provided between the annular wall (25) and base (24), the mounting portions (36A-D, 40A-D, 42A-D) allowing the heat-dissipating fan (20) to be fixed to an object (50). In regards to claim 7, each mounting portion is a through-hole (42A-D) for engaging with a fastener (36A-D).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US Patent 5288203) as applied to claim 1 above, and further in view of Horng et al. (US Patent 6547540).

Thomas discloses the claimed invention above, in addition to claim 13 in which a through-hole extends through for each peg and through the bottom wall of the casing. However, Thomas does not disclose a mounting portion having a fastener.

Horng et al. Discloses in figures 3, and 10-13 in regards to claim 8, a through-hole (55) having a threaded portion for engaging fasteners (such as bolts 61). In regards to claim 9, the through-hole (55) has an enlarged portion (as shown in figures 9-10, see attached drawings). In regards to claim 10, the casing (4,5) which includes a bottom wall (5), each having a mounting portion extending outward (see figures) from the bottom wall for engaging with a fixing hole (see figures) of a substrate (6), in order to a supercharging structure for a fan to be easily engaged with a heat dissipating member.

Since Thomas and Horng et al. are from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the other.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the fastener and mounting portion as taught by Horng et al. for the purpose discussed above.

Allowable Subject Matter

Claims 2-6,11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim #2 the prior art does not disclose a mounting portions are integrally formed on the respective ribs.

In regards to claim #6 the prior art does not disclose an annular wall includes an inner annular air-guiding ledge extending inward from an inner periphery thereof for guiding air from the air inlet side to the air outlet side, the mounting portions being integrally formed on the inner annular air-guiding ledge.

In regards to claim #11 the prior art does not disclose each rib having an arcuate face on an air inlet side in combination with the mounting portions are integrally formed on the respective ribs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (571) 272-2023. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heba Elkassabgi can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be

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obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heba Y. Elkassabgi

United States Patent and Trademark Office
Patent Examiner

AU 2834

Class 310- Electrical Generator/Motor Structure

Class 290- Prime Mover Dynamo Plants

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BURTON S. MULLINS
PRIMARY EXAMINER